

REMARKS/ARGUMENTS

Claims 1-11 are currently pending in the present application. Claims 1 and 9 have been amended. Applicant submits that all currently pending claims are in condition for allowance.

35 U.S.C. §103 Rejections

Claims 1-11 were rejected under 35 U.S.C. 103(a) as being unpatentable over Rankin et al. (U.S. Patent No. 6,879,838) in view of Doulton et al. (U.S. Patent No. 4,512,667). This rejection is respectfully traversed.

Applicant submits that the Examiner has failed to establish a *prima facie* case of obviousness. In order to establish a *prima facie* case of obviousness under 35 U.S.C. 103(a), three conditions must be met.

- 1) First, the combination of references must teach each and every feature recited in the claims.
- 2) Second, there must be some evidence of motivation, teaching or suggestion to combine the references.
- 3) Third, there must be a reasonable expectation of success that the combination of references will in fact operate together to produce a result comparable to the claimed invention.

Beginning with the first condition, Applicant submits that the combination of teachings disclosed in Rankin and Doulton fail to teach all of the claim limitations of newly amended claim 1, which recites, in part:

...announcing said prayer timings after receiving appropriate electronic signal from a wireless communication network.

Rankin discloses a system that provides a mobile user with information related to resources in their geographical region. The mobile device 100 will determine its own location and communicate that information to a location determination system 117. Once the location of the mobile device 100 is known, a map with local resources may be downloaded to the mobile

device 100. Doulton discloses a device that may be carried by a user to announce Muslim prayer times. The device includes a microprocessor that computes prayer notifications based on predetermined input from the user regarding geographical location. All the information used by the device is pre-programmed without any interaction with a remote communications network. Nowhere does Rankin or Doulton disclose: announcing said prayer timings after receiving appropriate electronic signal from a wireless communication network, as recited in claim 1.

With respect to the second condition, there is no motivation to combine the teachings of Doulton with Rankin. Applicants direct the Examiner's attention to two cases decided by the Court of Appeals for the Federal Circuit (CAFC), In re Dembiczak, 50 USPQ2d 1614 (Fed.Cir. 1999) and In re Kotzab, 55 USPQ2d 1313 (Fed.Cir. 2000). Both of these cases set forth very rigorous requirements for establishing a prima facie case of obviousness under 35 U.S.C. §103(a).

To establish obviousness based on a combination of elements disclosed in the prior art, there must be some motivation, suggestion, or teaching of the desirability of making the specific combination that was made by the applicant. The motivation, suggestion or teaching may come explicitly from the statements in the prior art, the knowledge of one of ordinary skill art, or in some cases, the nature of the problem to be solved. See Dembiczak 50 USPQ2d at 1614 (Fed.Cir. 1999). In Kotzab, the CAFC held that even though various elements of the claimed invention were present (in two separate embodiments of the same prior art reference), there was no motivation to combine the elements from the separate embodiments, based on the teachings in the prior art.

In order to establish a prima facie case of obviousness under 35 U.S.C. §103(a), the Examiner must provide particular findings as to why the two pieces of prior art are combinable. See Dembiczak 50 USPQ2d at 1617. Broad conclusory statements standing alone are not "evidence".

The Examiner has failed to provide any particular findings as to why the two references are combinable. The Examiner remarked:

It would therefore have been obvious to one of the ordinary skill in the art to combine the Muslim prayer time notification system as taught by Doulton to the location determination system of Rankin for the benefit of achieving a system with both the capability of determining location of Muslim prayer time and notification or prayer times in a dynamic manner.

The Examiner has merely stated that because the Muslim prayer time notification system disclosed in Doulton may be beneficial if combined with the location determination system of Rankin, then the teachings of Doulton could be recognized in the invention of Rankin. However, this is not evidence of motivation, teaching, or suggestion for one of ordinary skill in the art to combine the teachings of Doulton with those of Rankin. In order to make a proper combination of references, the Examiner must provide evidence as to why one of ordinary skill in the art would have been motivated to select and combine the referenced teachings. Relying on common knowledge or common sense of a person of ordinary skill in the art without any specific hint or suggestion of this in a particular reference is not a proper standard for reaching the conclusion of obviousness. See *In re Sang Lee*, 61 USPQ 2d 1430 (Fed. Cir. 2002).

Furthermore, with regard to the third condition, there can be no reasonable expectation of success to combine the teachings of Rankin with Doulton to arrive at the invention disclosed in claim 1. Doulton discloses nothing more than a mere alarm device with no mobile communication capability. Conversely, the distributed location based system of Rankin is directed to a mobile communications environment. Assuming the alarm system disclosed in Doulton were to be integrated into a system similar to that disclosed in Rankin, the technologies would not complement each other to arrive at the system in Applicant's claim 1. The alarm system disclosed in Doulton is pre-programmed with calendar parameters that account for the entire geo-location system of the world. Once a user punches in a code to identify a location

preference (see column 9, lines 23-26), the alarm operates according to those location parameters and not according to a remote networking system.

Conversely, the Rankin system is based on a wireless telecommunications information service. The service provides users with maps of the local resources based on the user's geographical location within the constraints of a cellular network. There is no evidence that the user carried Muslim prayer reminder system of Doulton would ever function properly in the location based system of Rankin. Therefore, there is no reasonable expectation that the two inventions could be combined to arrive at the invention recited in claim 1

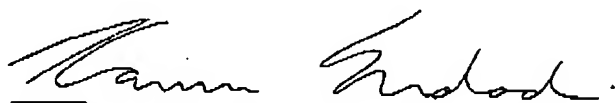
Accordingly, Applicant submits that independent claim 1 and those claims dependent thereon are allowable over the prior art. Withdrawal of this rejection and an allowance of these claims are kindly requested.

With regard to independent claim 9, Applicant submits that for reasons substantially similar to those stated above with regard to independent claim 1, that claim 9 and those claims dependent thereon are also allowable over the prior art.

CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned, at the telephone number listed below.

With best regards,



Kamran Emdadi
Registration No. 58,823

2025 Beacon Place
Reston VA 20191
571.437.7660

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